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SUPREME COURT, U. S.

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1969

No. 1186

SOUTHFIELD POLICE OFFICERS ASSOCIATION, a Michigan non-profit corporation, and RONALD ROEDIGER, individually and as president of said corporation,
Petitioners,

v.

CITY OF SOUTHFIELD, a municipal corporation, DONALD V. SMITH, City Administrator, PATRICK G. FLANNERY, City Clerk and C. HUGH DOHANY, City Treasurer,
Respondents,

and

SOUTHFIELD FIRE FIGHTERS ASSOCIATION Local No. 1029, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, a voluntary unincorporated association, and JOHN BEARDSLEY, individually and as president of said association,
Intervening Respondents.

MEMORANDUM OPPOSING CERTIORARI, BY INTERVENING RESPONDENTS

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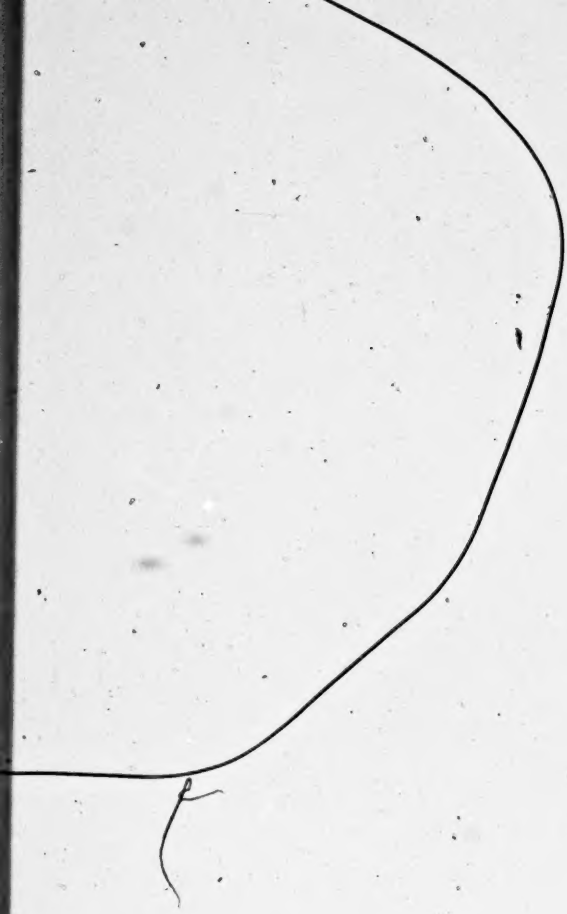

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Petitioners' "federal" claim is patently frivolous and insubstantial—if not incomprehensible.

Petitioners contended in the state courts that a reduction in firemen's hours in 1967 occasioned by a concededly valid Michigan statute (Petition, Appendix D, p. 29) created a

disparity in compensation between policemen and firemen in violation of a concededly valid local charter (Petition, Appendix D, p. 30). Petitioners claimed, because of this alleged disparity, to be entitled to a reduction in their own hours of work so that the disparity would be eliminated. The heart of their argument was the proposition that "hours of work" was an integral part of the concept of "compensation" as used in the charter. The state courts rejected petitioners' construction, concluding instead that the charter by its own clear terms excluded "hours of work" as an element in determining "compensation". (The trial court summarily dismissed; the Michigan Court of Appeals affirmed, 16 Mich. App. 511; and the Michigan Supreme Court denied review, for want of merit (Petition, Appendix C, p. 28)).

Since Petitioners' "federal" claim of an infringed "vested right to parity" depends on an interpreted "right to parity" under the city charter, under an interpretation which the state courts have dispositively rejected on adequate non-federal grounds, Petitioners' claim is groundless. Since Petitioners' "right to parity" never existed, it could neither have been "vested" nor denied.

Far from presenting "a federal question of substance not theretofore determined by this court, [nor] decided. . . in a way probably not in accord with applicable decisions of this court" (Rule 19)—or indeed even litigated below—the Petition presents a trivial, frivolous and absurd argument not worthy of this Court's attention.

Respectfully submitted,

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Detroit, Michigan 48226

Dated: February 24, 1970